

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2495

Introduced by Assembly Member Bass Nunez
(Coauthors: Assembly Members Chan, Cohn, Evans, Leno,
Mullin, and Pavley)

February 23, 2006

~~An act to amend Section 11375 of, and to add Section 11364.5 to, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.~~ *An act to amend Sections 14502 and 14503 of the Government Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2495, as amended, ~~Bas~~ *Nunez*. ~~Kin-GAP~~.—*California Transportation Commission.*

Existing law creates the California Transportation Commission, with various powers and duties relative to programming transportation capital improvement projects in the state transportation improvement program. Existing law provides for a commission of 11 members, with 9 members appointed by the Governor with the advice and consent of the Senate, and 2 ex officio members appointed by the Legislature. Voting members serve terms of 4 years.

This bill would expand the commission to 13 members, with one additional voting member each appointed by the Speaker of the Assembly and the Senate Committee on Rules, who would not be subject to Senate confirmation.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families.

This state, under the CalWORKs program, through the Kinship Guardianship Assistance Payment Program, provides aid on behalf of eligible children who are placed in the home of a relative caretaker, and limits the application of the program to children who have been adjudged a dependent child of the juvenile court and whose dependency has been dismissed on or after January 1, 2000, concurrently or subsequent to the establishment of the kinship guardianship. The program is funded by state and county funding and available federal funds.

Existing law continuously appropriates state funds from the General Fund for allocation to each county for 50% of the nonfederal share of the cost of Kin-Gap payments.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers, including group homes, on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with money from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. Under existing law, rates paid on behalf of foster children in the AFDC-FC program may include approved amounts, paid with state participation, on behalf of an AFDC-FC child requiring specialized care, or for the provision of clothing for an AFDC-FC child.

This bill would augment the amount of an aid payment under the Kin-GAP program by amounts equal to the amount of a specialized care increment or clothing allowances to which the child would be entitled under the AFDC-FC program.

Existing law requires the State Department of Social Services to develop statewide standards for the Independent Living Program for emancipated foster youth established pursuant to federal law. Under existing law, a child in receipt of Kin-GAP benefits is entitled to request and receive these independent living services.

~~This bill would require the county to provide information regarding the availability of Independent Living Program Services to a child in receipt of Kin-GAP benefits, or his or her kinship guardian, when the child is approaching his or her 16th birthday.~~

~~By requiring the provision of additional aid under the Kin-Gap Program, this bill would result in an appropriation. By increasing the duties of counties administering the Kin-Gap Program, the bill would create a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: ~~2/3~~-majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 SECTION. 1 Section 14502 of the Government Code is
2 amended to read:

3 14502. The commission consists of ~~11~~ 13 members appointed
4 as follows:

5 (a) Nine members shall be appointed by the Governor with the
6 advice and consent of the Senate. *One member shall be*
7 *appointed by the Speaker of the Assembly and one member shall*
8 *be appointed by the Senate Committee on Rules, with neither of*
9 *these members subject to confirmation by the Senate.* A member
10 appointed pursuant to this subdivision shall not simultaneously
11 hold an elected public office, or serve on any local or regional
12 public board or commission with business before the
13 commission.

14 (b) One Member of the Senate appointed by the Senate
15 Committee on Rules and one Member of the Assembly appointed
16 by the Speaker of the Assembly shall be ex officio members
17 without vote and shall participate in the activities of the
18 commission to the extent that such participation is not
19 incompatible with their positions as Members of the Legislature.

1 (c) Notwithstanding any other provision of law, a voting
2 member of the commission may serve on the High-Speed Rail
3 Authority as established in Division 19.5 (commencing with
4 Section 165000) of the Public Utilities Code.

5 *SEC. 2 Section 14503 of the Government Code is amended to*
6 *read:*

7 14503. (a) Other than ex officio members, the members of
8 the commission shall hold office for terms of four years, and
9 until their successors are appointed, except as otherwise provided
10 in this section.

11 (b) In the case of the members initially appointed by the
12 Governor, three shall be appointed to serve until February 1,
13 1979, two until February 1, 1980, two until February 1, 1981,
14 and two until February 1, 1982.

15 (c) *The members appointed by the Speaker of the Assembly*
16 *and the Senate Committee on Rules pursuant to subdivision (a) of*
17 *Section 14502 shall hold office for terms of four years, and until*
18 *their successors are appointed.*

19 ~~SECTION 1. Section 11364.5 is added to the Welfare and~~
20 ~~Institutions Code, to read:~~

21 ~~11364.5. In addition to the aid amount provided for in Section~~
22 ~~11364, the rate paid for a child eligible for a Kin-GAP payment~~
23 ~~shall be increased by both of the following:~~

24 ~~(a) An amount equal to the amount of a specialized care~~
25 ~~increment, as defined in paragraph (1) of subdivision (c) of~~
26 ~~Section 11461, to which the child would be entitled under the~~
27 ~~AFDC-FC program.~~

28 ~~(b) An amount equal to the amount of the clothing allowances,~~
29 ~~as set forth in subdivision (f) of Section 11461, to which the child~~
30 ~~would be entitled under AFDC-FC program.~~

31 ~~SEC. 2. Section 11375 of the Welfare and Institutions Code is~~
32 ~~amended to read:~~

33 ~~11375. The following shall apply to any child in receipt of~~
34 ~~Kin-GAP benefits:~~

35 ~~(a) He or she is eligible to receive independent living services~~
36 ~~pursuant to Section 10609.3. When a child in receipt of Kin-GAP~~
37 ~~benefits is approaching his or her 16th birthday, the county shall~~
38 ~~provide the child and his or her kinship guardian with~~
39 ~~information regarding the availability of these services.~~

1 ~~(b) He or she may retain cash savings, not to exceed ten~~
2 ~~thousand dollars (\$10,000), including interest, in addition to any~~
3 ~~other property accumulated pursuant to Section 11257 or~~
4 ~~11257.5.~~

5 ~~SEC. 3. If the Commission on State Mandates determines that~~
6 ~~this act contains costs mandated by the state, reimbursement to~~
7 ~~local agencies and school districts for those costs shall be made~~
8 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
9 ~~4 of Title 2 of the Government Code.~~